

Uh, Pardon Me, Mr. President

Caspar & Co. Weren't the Only Ones Let Off the Hook Last Week

By Henry Allen
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What about the 18 other guys Bush pardoned?

"Now, therefore, I, George Bush, president of the United States of America, pursuant to my powers under Article II, Section 2, of the Constitution, do hereby grant a full, complete and unconditional pardon to . . ."

To six big guys you heard about, the Iran-contra scandal guys, most notably former secretary of defense

Caspar Weinberger, on Christmas Eve.

But what about Joseph Bear Jr., who stole three cases of beer back in 1963?

What about Alfredo Encinas Villarreal, a postal carrier who in 1971 got probation for stealing three letters?

What about Ivan Leon Gentry, who in 1946 was sentenced to 18 months after he and some drunk buddies took a taxi from Tennessee to Georgia? When the driver jumped out, they found themselves

looking at "transporting stolen motor vehicle in interstate commerce."

These three got pardoned the same day, along with 15 other people who aren't famous.

The difference is, the Eighteen were pardoned after they served their sentences, and some of the Iran-contra Six hadn't even finished their trials. Or started them.

You can understand why the Six wanted pardons—some may have been looking at an involuntary enlistment at Eglin Air Force Base.

See PARDONS, D4, Col. 4

PARDONS, From D1

But the Eighteen have already done their time, and for some of them it was so long ago.

"I've always wanted to clear my name," said Edwin Roberts, 66, a carpenter from Big Creek, Ky. Right after he came home from being a rifleman with the 6th Army in World War II, he got caught making whiskey.

"Mostly it was for private use, a little for my friends," he said.

He did 30 days in jail.

In 1985, when stock car legend Junior Johnson was pardoned for moonshining in the 1950s, Roberts decided to apply for a pardon of his conviction for "carrying on the business of distiller, possessing an unregistered whiskey still and making and fermenting mash fit for distillation."

But don't they hand out medals for moonshining down in Kentucky? In any case, it has a quaint glamour in the age of crack.

Why would Roberts go to all the trouble of rounding up character affidavits, putting up with FBI investigations of his life and friends?

"I'm not really proud of this," he said.

So he went for the pardon.

"I wondered if it was for the rich or famous, but it didn't cost me anything—I was only out the gas money, driving to Manchester and London to get records. I was pleased to get it. I'm a common man—I wasn't expecting it."

Of course, his pardon doesn't read like that of Weinber-

ger, "a true American patriot. He has rendered long and extraordinary service to our country. He served for 4 years in the Army during World War II. . . ." And Bush cited the rest of the Iran-contra Six for their "long and distinguished service to this country."

Of course, who knows what the president may have told the Eighteen? The office of the pardons attorney at the Justice Department didn't mail out the pardon letters until Dec. 29. The Eighteen haven't read them yet.

Joseph Bear Jr., 49, of Browning, Mont., talked about his pardon amid the noise of the homeless shelter he directs. In 1963, he said, he stole three cases of beer from the Peoples food market on his Blackfeet reservation. He did three weeks in jail and eight years' probation. In his late thirties, he went to the state university in Missoula, and when he came back in 1985 he ran for the Blackfeet Tribal Business Council.

"I ran, and an official came to me and said, 'Joe Bear, you can't run.' This was still on my record. When I'd been sentenced the judge assured me that it wouldn't be, but it was. I hired a lawyer. He had to go to San Francisco to get microfilmed records. I paid him \$500. I owe him another \$1,000."

What kind of beer was it?

"I don't know," Joe Bear said. "You grab what you can get when you're scared."

The next tribal council election, he said, is in 1994.

Bear is lucky. George Bush has been quite sparing with his pardoning power. In his first three years, he pardoned 38 people.

Ronald Reagan pardoned 176 in his first three years, Jimmy Carter 305, Gerald Ford 382, Richard Nixon 239, Lyndon Johnson 364, John Kennedy 323.

Maybe presidential pardons are going out of fashion, like kings touching people to cure scrofula. There's an old-fashioned tone to them. The Clemency Request Form reads: "A pardon is a sign of forgiveness. Accordingly, you are not expected to reargue your case, assert innocence or otherwise attack the validity of your conviction."

Of course, this would only apply to ordinary people, not to government officials who don't have to fill out the form, provide character affidavits and so on. One imagines their pardons being handled over the phone, in offices where big guys sit on the couch to make calls like this, holding the phone as if they're not quite used to talking on phones, talking to somebody who knows somebody who's going trout-fishing with somebody who went to school with somebody who donated a lot of money to the campaign of somebody who endorsed somebody who might be able to help.

Somehow, it's hard to imagine the big guys seeking "a sign of forgiveness."

What a world lurks out there beyond the Beltway! Guilt! Shame! People who can define the word "redemption"! People who want a pardon merely so they can serve on a tribal council or vote!

"It's not an expungement, it doesn't mean didn't happen, and it's emotionally stressful to go back through all those old papers. But it's a symbol, and symbols are important in our lives," says Paul Karsten Fauteck, who has the longest rap sheet of the Eighteen.

Back in the 1950s, he stole a car in Kansas and drove it across a state line. He smuggled his Mexican wife into the country when her own legal record kept her out. On and on.

"I hitched a ride with some guys who had some false cashier's checks in the car, and I passed some of them," he says with somber, precise, almost elegant diction. "I was arrested for carrying a concealed weapon, a .22 pistol. My family got me into the Army, but I was court-martialed for AWOL and taking an M1 rifle. Somewhere along the way I decided this was not the way I wanted to live. I saw how morally wrong and self-destructive it was. When I was in prison I read a book by Karl Menninger, 'Man Against Himself,' and I saw myself."

And then he went to college and finally became a clinical psychologist in Chicago, a solid and prospering citizen. In 1988, with no need whatsoever for it, he applied for the pardon.

He is 57 now. "There's a stigma that attaches to these things. I wanted the pardon for my own satisfaction."

Buried bodies, restless ghosts, skeletons in the closet, unfinished business, lingering like a summer cold . . .

Donald Rightmire, a retired rancher and partner in a construction company, came in from shoveling the snow in Genoa, Nev., to get the news about the pardon. He had served a sentence of two years' probation for not telling the police that his business partner had a stolen backhoe and a street sweeper.

Small crime, small punishment. Why bother with having the FBI asking unpleasant questions of the neighbors?

"I'd like to be able to vote," he said. "And I got turned down for jury duty. I'm not looking to serve on juries, but if they want me, I want to serve. This news is great."

America could use more criminals like this.

Staff researcher Barbara J. Saffir contributed to this article.